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Adams Emotionally Defended in CBS Trial

By Eleanor Randolph
Washington Post Staff Writer

NEW YORK, Jan. 30—In some ways, Richard Kovar, a Central Intelligence Agency official for more than 30 years, was the kind of witness CBS officials have been promising for months—a man who would overcome his instincts to remain silent and speak out in court about a troubling event 17 years ago.

In an emotional speech during retired general William C. Westmoreland's \$120 million libel action against the network, Kovar said he felt that many CIA employees had "papered over their consciences" after a controversial 1967 estimate of Vietnam enemy troop strength that is a central issue in this case.

"I myself do not feel very good about it," he told the jury.

And when CBS attorney Robert H. Baron asked Kovar about the accusation that CBS codefendant Samuel A. Adams, a former CIA analyst, was a "mental case," Kovar replied softly, "No, there's nothing. I have heard Sam criticized by people who are still in the agency. What Sam did wrong was that he didn't, he didn't salute and shut up.

"He didn't close ranks," Kovar added, at one point close to tears as Adams watched from across the room. "Not only did he not shut up, he pushed his arguments, and he pushed his outrage... and that frightened a lot of people and it made people mad."

Like other CIA witnesses called by the network, Kovar blamed Westmoreland's command for what he believed was a serious undercounting of the enemy in Vietnam in 1967—as charged in the 1982 CBS documentary at issue in this case.

Specifically, he said Westmoreland's intelligence officers failed to include the "home militia" units in the so-called official order of battle that he said was "supposed to produce the best judgment of the best minds in the United States government" on the enemy in Vietnam.

He also said that the order of bat-

tle was supposed to go to the president and other top government officials—a main point for CBS because Westmoreland has charged that the broadcast defamed him when it said he tried to keep higher enemy troop data from his superiors, including President Lyndon B. Johnson.

Kovar said that after the CIA agreed with Westmoreland's Military Assistance Command, Vietnam (MACV) to lower the official enemy figures, he encouraged his colleague Adams "to go out and find the real story, to dig up what had happened in this thing."

Adams, who has been working on that since he resigned from the agency in 1973, was a crucial source for the CBS documentary, and he served as a paid consultant for it.

Kovar said he told Adams in 1968 that he felt there was "a direct guilt trail" between the lowering of the

estimate and the "debacle in January 1968," a reference to the Tet offensive regarded by many as a turning point in American support for the war.

CBS's documentary, "The Uncounted Enemy: A Vietnam Deception," charged that Westmoreland was part of a "conspiracy" at the highest levels of military intelligence to suppress higher enemy troop figures in order to maintain support for the war.

Westmoreland has denied that he imposed a "ceiling" on enemy numbers, as the broadcast charged. He also said that the home militia—technically called "self-defense" and "secret self-defense" troops—were dropped from the order of battle because they were "non-fighters" or "civilians" who should not be counted.

Although CBS has called six current or former CIA officials to testify, the highest-ranking CIA official

to take the stand appeared in support of Westmoreland. He was George Carver, special assistant for Vietnamese affairs to former CIA director Richard Helms.

Carver testified that during the debate between the CIA and Westmoreland's officers in 1967, he asked the general whether he had put a ceiling on the official enemy total of 300,000 troops, and that Westmoreland had "immediately, firmly and emphatically" denied it.

Carver also said it was his idea to drop the self-defense and secret self-defense troops from the numerical listing and to describe them only in the accompanying text.

Asked today about a sentence in the order of battle that said these groups could not be estimated "with any measure of confidence," Kovar replied: "That sentence is not a true statement. We had all kinds of evidence and MACV had all kinds of evidence."